

From: Jay Sartori
Subject: Re: App Developers
To: Matt Fischer
Cc: Eric Gray
Sent: March 19, 2015 11:34 AM (UTC-06:00)

PLAINTIFF
U.S. District Court • NDCAL
4:20-cv-05640-YGR-TSH
Epic Games, Inc. v. Apple Inc.
Ex. No. PX-2189
Date Entered _____
By _____

Hey Matt,

We are looking into this issue to address the customer's concerns. That said, this example highlights a glaring deficiency in our App Store customer support tools and process. While we accept responsibility for refunding customers, we have almost no insight into the complex IAP issues that customers present to us. As a result, AppleCare is forced to employ blanket rules for refunds. In this case, the customer was appropriately granted 30 days worth of refunds - not his request of every purchase made in the game (dating back to October 2014). Also of note, this customer had been granted refunds on 5 other occasions for Game of War - for accidental purchases, items not downloading and duplicate purchases.

The customer vaguely states that he experienced, "one of these issues that subsequently rendered my in-app purchases obsolete". While it is certainly possible that there was an error in Game of War, there are also many examples of customers who follow "scripts" that are posted online in order to secure refunds (again, since we can not verify their claims). The result of blanket rules along with lack of insight for AppleCare, causes some customers to be treated unfairly while also allowing for fraudulent claims to be refunded.

I am sure that you have heard these issues in the past. Nonetheless, I wanted to raise them again because I believe that our App Store refund process needs to be completely redesigned. I am not suggesting this without a proposed solution in mind though. Due to the intricacies of game economies along with vast number of apps/games, I believe that we need to create a centralized system where developers are allowed to better service their customer support issues and grant refunds (cash or in-app). This would not come without our oversight though, as developer's customers are Apple customers and we prioritize their satisfaction first. I feel that this would result in both happier customers and developers.

I have just started down the road of socializing this significant overhaul and would be more than happy to discuss if you would like.

Thanks,
Jay

On Mar 18, 2015, at 11:09 PM, Matt Fischer <[REDACTED]> wrote:

Jay,

This may have already been forwarded to you. Can you please look into this situation and get back to this customer?

Thanks,
Matt

Begin forwarded message:

PX-2189.1

From: Eddy Cue [REDACTED]
Subject: Fwd: App Developers
Date: March 10, 2015 at 7:12:59 AM PDT
Cc: Phil Schiller [REDACTED] Ron Okamoto

To: Matt Fischer [REDACTED] Phillip Shoemaker
[REDACTED] Emily Blumsack [REDACTED]

Can we look into this and also get back to the customer?

Begin forwarded message:

From: [REDACTED] Confidential
Subject: App Developers
Date: March 9, 2015 at 9:31:05 AM PDT
To: [REDACTED]
Resent-From: CEO [REDACTED]
Resent-To: Eddy Cue [REDACTED]

I have been a loyal Apple customer for almost 6 years, especially in regards to iOS devices. Even though I will likely never change to another brand for mobile devices, I must say that I will never again make any substantial purchases within the iTunes Store.

I have been a daily user of the popular Game of War app for almost 5 month, resulting in many in-app purchases on my part. It is a great game, however, having used it so long, I have also seen occasional issues that can render the game essentially unusable for periods of time. What makes it worse is the fact that when these issues occur the developer refuses to offer any restitution to its users and frequently denies that there were any issues to begin with. I have even been told by the developer's support staff that they are incapable of restoring any virtual content and that I should contact Apple directly for a refund when issues like these occur (which is a violation of iTunes' terms of service for developers that states developers must handle content issues).

Having experienced one of these issues that subsequently rendered my in-app purchases obsolete a little more than a week ago, and having received no help from the developer addressing my concerns, I sought a refund through iTunes for my purchases. At first, it seemed as though the representative that contacted me ("Jhona") was going to provide a refund, despite the fact that all iTunes Store sales are final, and requested a list of order numbers that I desired to be refunded. However, after almost a week of back

and forth emails, with my response being completely ignored on one occasion, I finally got a direct answer that I would *not* be receiving a refund due to the fact that I had already received a prior refund on an accidental purchase and another exception could not be made.

The fact that \$3,000 worth of in-app purchases can be rendered worthless due to issues with the app, without even the slightest offer of help from the developer, and with no legal accountability from the store selling it, is appalling to me. To make the matter more offensive, I have become personally acquainted with other users of the app who suffered the exact same issue as myself, one of whom experienced the issue last weekend as well, and they have received refunds from Apple.

I could understand a refusal for restitution, whether from the developer or from Apple, had this been an issue caused by my own negligence. However, this is entirely the fault of the developer and they will accept no blame. I could also understand if it was due to the amount of my request. But, I know several users who have gotten hundreds of dollars refunded for other issues and the aforementioned user who experienced my same issue last weekend received a prompt refund of \$2,000 this past week.

It is honestly very disappointing to have made such a large investment of both time and money into something that apparently has no guarantee and little to no integrity or good faith from the developer. I hope that in the future more can be done to hold such developers to a higher standard so that, as Jhona put it, all of your customers will truly be treated "fair and equally".

Thank you for your consideration,

Confidential

This Electronic Mail (e-mail) contains confidential and privileged information intended only for the use of the individual or entity to which it is sent. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify the sender by reply e-mail or telephone.